

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA
FLORENCE DIVISION

Barry Greeley,

PLAINTIFF

v.

Sheriff J. Koon,

DEFENDANT

Case No. 4:21-cv-01468-TLW

Order

Plaintiff Barry Greeley, proceeding *pro se*, filed this civil action alleging violations of his constitutional rights pursuant to 42 U.S.C. § 1983. ECF No. 1. The matter now comes before the Court for review of the Report and Recommendation (Report) filed by the magistrate judge to whom this case was assigned. ECF No. 9.

After reviewing Plaintiff's initial filing, which was entitled "Emergency Grievance," the magistrate judge issued an order notifying Plaintiff of deficiencies in his complaint and permitting him to refile his complaint on the proper form, as well as notifying him of the procedure to either pay the filing fee or submit an application to proceed *in forma pauperis*. The order was returned undeliverable, with the facility noting that he had been released and had not provided a forwarding address. Plaintiff failed to update his address with the Court, respond to the proper form order, or otherwise cure the deficiencies outlined.

In the Report, the magistrate judge recommends that Plaintiff's case be dismissed under Rule 41(b) for failure to prosecute and for failure to comply with a court order, despite being informed of the potential consequences of doing so. Plaintiff

did not file objections to the Report. This matter is now ripe for decision.

The Court is charged with conducting a *de novo* review of any portion of the Report to which a specific objection is registered, and may accept, reject, or modify, in whole or in part, the recommendations contained in that Report. 28 U.S.C. § 636. In the absence of objections to the Report, the Court is not required to give any explanation for adopting the recommendation. *See Camby v. Davis*, 718 F.2d 198, 200 (4th Cir. 1983). In such a case, “a district court need not conduct a *de novo* review, but instead must ‘only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.’” *Diamond v. Colonial Life & Accident Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (quoting Fed. R. Civ. P. 72 advisory committee’s note).

The Court has carefully reviewed the Report. For the reasons stated by the magistrate judge, the Report, ECF No. 9, is **ACCEPTED**. This action is hereby **DISMISSED WITHOUT PREJUDICE**.

IT IS SO ORDERED.

s/ Terry L. Wooten
Terry L. Wooten
Senior United States District Judge

August 16, 2021
Columbia, South Carolina